REMARKS

I. Claim Rejections

Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkind (US 2003/0158754 A1) in view of Linder et al. (US 6,681,003) and further in view of Segal et al. (US 2001/0041991 A1). Elkind is characterized as disclosing all of the limitations of claim 22 except for an implantable medical device database and a patient lab records database. Linder and Segal, respectively, are relied upon as disclosing these two limitations. Applicants respectfully traverse.

Elkind discloses a client/server architecture system for accessing patient medical device records. The system includes a graphical user interface (GUI), which is resident on a client terminal, from which a patient can enter, update, and store medical records information. The client terminal is connectable over a network (e.g., Internet) to a medical records system resident on a remote server. The GUI is illustrated in Fig. 7. The GUI is essentially a web browser program (see paragraph [0055]). The web page is merely a data file written in hypertext markup language (i.e., HTML). The web page is displayed as a viewable object at the local network site where the client terminal is located (see paragraph [0056]). The GUI includes hypertext links (211 in Fig. 7) to permit a patient to access web pages containing the links (see paragraph [0059]). The Elkind system is implemented as a program product (e.g., a control program residing in a computer memory) distributed in various media including floppy disks and CD-ROMs (see paragraphs [0061, 0062, and 0063]).

In particular, the office action contends that Elkind discloses a customized web page. Fig. 7 of Elkind is specifically referenced. Fig. 7 shows only a GUI window displaying portions of a high-level web-based medical records information system (see paragraph [0022]). Moreover, the window in Fig. 7 displays many web pages (see paragraph [0057]). The patient must then navigate to a desired web page relating to his/her own medical records.

Therefore, absent from Elkind is the limitation of a customized web page for the patient.

By this amendment, claim 22 has been amended to further emphasize this distinction over Elkind. Claim 22 now recites "means for automatically presenting a web page customized to the individual implantable medical device patient that includes a display of information relevant to the implantable medical device implanted in the patient." Clearly, absent from Elkind is a server having a portal with this functionality. Support for the amended limitation is found in the specification at page 12, line 29 to page 13, line 4.

Ilsen (US 6,757,898) is cited in connection with the rejection of claim 29. The rejection infers that Ilsen discloses some sort of "customized" web page. The Abstract merely mentions that the system generates a personalized area (patient page) for each user. That disclosure, however, provides nothing more than is provided in Fig. 7 of Elkind wherein the patient can navigate to a portion of the database where his/her medical records are accessible. This is explained by the example given at column 13, line 13 of Ilsen. There, it is explained that the user ("Jane") is presented with a personalized home page from which she must further navigate to obtain detailed information. The personalized home page is only a welcome interface. This, too, fails to meet the limitation in claim 22 of a "means for automatically presenting a web page customized to the individual implantable medical device patient that includes a display of information relevant to the implantable medical device implanted in the patient."

The rejection set forth in the office action fails because of the failure of Elkind, the primary reference, to disclose the automatic presentation of a customized patient web page including a display of information relevant to the implantable medical device implanted in the patient. In addition, however, the rejection also fails because the system disclosed in Linder et al. is one for monitoring a patient-worn medical device. Linder et al. does not concern an implantable medical device. Furthermore, Linder is directed to a device monitoring and data collection system to permit a physician to analyze patient

health parameters and the operation of a device (i.e., a wearable cardiac defibrillator [WCD] monitor). In contrast, Elkind is directed to a system permitting a patient to access medical records resident on an internet site from a local computer terminal. The alleged motivation to combine Elkind and Linder so as to "monitor and update performance of the device" is without basis. First, Elkind concerns access of a database by a patient from a local site. Linder on the other hand concerns a physician monitoring a patient from a remote location. There is no similarity in the objections of Elkind and Linder that would promote even attempting to combine the features of the two references. Second, even if one skilled in the art were to try to do so, at most the combination would result in a client/server system wherein a patient terminal in accordance with Elkind (i.e., having the described GUI interface and without an automatic customized patient web page) would be able to access the database server shown in Fig. 1 of Linder. The data communications server system having a communications portal as specified in claim 22 would not result.

II. Conclusion

The claims to the data communications server system of the present invention include the novel aspect of a communications portal resident on a server and accessed over an information network to present information associated with an individual implantable medical device patient including "means for automatically presenting a web page customized to the individual implantable medical device patient that includes a display of information relevant to the implantable medical device implanted in the patient." Applicants submit that the combination of references cited against the claims fails to render obvious any of claims 22-29. Further, Applicants request that a notice of allowance be issued.

Respectfully submitted,

June 29, 2006
Date

/Daniel G. Chapik/
Daniel G. Chapik
Reg. No. 43,424
(763) 514-3066
Customer No. 27581